

**TWENTY-THIRD LEGISLATIVE DAY  
TUESDAY, JANUARY 30, 2007**

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused -- Barrett, Block, Eskridge, Schaefer.  
Total -- 4.

Total -- 70.

Prayer was offered by Representative Harwood.

The Pledge of Allegiance was led by James Marshall, Page.

**Approval of Journal**

January 30, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-Second Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

January 29, 2007

Mr. Speaker:

I transmit herewith S 1034 and S 1035 which have passed the Senate.

WOOD, Secretary

S 1034 and S 1035 were filed first reading.

**Report of Standing Committees**

January 29, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration H 18 and H 23 and recommend that they do pass.

CLARK, Chairman

H 18 and H 23 were filed for second reading.

January 29, 2007

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration H 24, H 25, H 26, and H 27 and recommend that they do pass.

STEVENSON, Chairman

H 24, H 25, H 26, and H 27 were filed for second reading.

January 30, 2007

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration H 61 and recommend that it do pass.

LOERTSCHER, Chairman

H 61 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

**Motions, Memorials, and Resolutions**

**HOUSE CONCURRENT RESOLUTION NO. 8  
BY STATE AFFAIRS COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE THAT THE STATE OF IDAHO IS COMMITTED TO PRINCIPLES OF HUMAN RIGHTS AND RECOGNIZES THE UNIQUE VALUE OF THE HUMAN CHARACTER IN ITS GREAT DIVERSITY AND WEALTH OF VARIETY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Governor of the State of Idaho, the Honorable Butch Otter, stated in Congress during debates on the Patriot Act his commitment to principles of human rights; and

WHEREAS, it is appropriate that the Legislature recognize this commitment, and in addition that we add the observations of the membership of the Legislature on behalf of the people of Idaho; and

WHEREAS, Idaho is a state where the industry and courage of every citizen is valued and the contributions of individuality and good character are recognized; and

WHEREAS, on behalf of the citizens, the Idaho Legislature made a comprehensive commitment to human rights within the enactment of the Commission on Human Rights which states in part that the Commission is established to ". . . secure for all individuals within the state freedom from discrimination because of race, color, religion, sex or national origin or disability in connection with employment, public accommodations, and real property transactions, discrimination because of race, color, religion, sex or national origin in connection with education, discrimination because of age in connection with employment, and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities . . ."; and

WHEREAS, the Legislature continues to further the commitment to human rights and to act upon this commitment in legislation which supports programs to further the opportunities of all Idaho citizens; and

WHEREAS, citizens of Idaho have endured an unwarranted, unfavorable barrage of publicity related to certain opinions held by a small minority of persons who claim Idaho as their home, but whose opinions we strongly denounce and state without reservation that they are not representative of the opinion of the true citizenry of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature,

the House of Representatives and the Senate concurring therein, that on behalf of the citizens of Idaho, the Legislature joins with the Honorable Governor of the State of Idaho, proclaiming our commitment to the principles of human rights. We acknowledge the unique value of the human character in its great diversity and wealth of variety.

**HCR 8** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 66**

**BY TRANSPORTATION AND DEFENSE COMMITTEE  
AN ACT**

RELATING TO DRIVING WITHOUT PRIVILEGES; AMENDING SECTION 18-8001, IDAHO CODE, TO PROVIDE THAT NO PERSON WHO IS DISQUALIFIED OR WHOSE DRIVING PRIVILEGES ARE SUSPENDED, REVOKED OR CANCELED SHALL BE GRANTED RESTRICTED DRIVING PRIVILEGES TO OPERATE A COMMERCIAL MOTOR VEHICLE.

**HOUSE BILL NO. 67**

**BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO SALES AND USE TAXES; AMENDING SECTION 63-3611, IDAHO CODE, TO PROVIDE THAT A "RETAILER ENGAGED IN BUSINESS IN THIS STATE" MEANS ANY RETAILER WITH SUBSTANTIAL NEXUS IN THIS STATE WITHIN A SPECIFIED MEANING; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3615A, IDAHO CODE, TO PROVIDE CONDITIONS WHEN A RETAILER HAS SUBSTANTIAL NEXUS WITH THE STATE OF IDAHO, WITH EXCEPTIONS AND TO PROVIDE APPLICATION OF THE DEFINITION OF "INTERNAL REVENUE CODE"; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 68**

**BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO EXEMPTIONS FROM SALES AND USE TAXES; AMENDING SECTION 63-3622O, IDAHO CODE, TO PROVIDE THAT DONATIONS TO, SALES TO, AND PURCHASES BY THE VALLEY HOUSE HOMELESS SHELTER LOCATED IN TWIN FALLS, IDAHO, SHALL BE EXEMPT FROM SALES AND USE TAXES AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 69**

**BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO PROPERTY TAX; AMENDING SECTION 63-602B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PROPERTY TAX EXEMPTIONS FOR PROPERTY BELONGING TO RELIGIOUS CORPORATIONS

OR SOCIETIES OF THE STATE AND TO PROVIDE FOR PROPERTY OF RELIGIOUS CORPORATIONS OR SOCIETIES THAT IS LEASED OR USED FOR BUSINESS OR COMMERCIAL PURPOSES.

**HOUSE BILL NO. 70**

**BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE PROCEDURES IF A COUNTY ASSESSOR DETERMINES THAT AN EXEMPTION WAS IMPROPERLY APPROVED AS A RESULT OF COUNTY ERROR AND TO PROVIDE FOR WAIVER OF THE PROPERTY TAX, TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS MAY WAIVE THE COLLECTION OF ALL OR PART OF ANY COSTS, LATE CHARGES AND INTEREST TO FACILITATE THE COLLECTION OF THE RECOVERY OF PROPERTY TAX AND TO REVISE PROCEDURES FOR RECOVERING PROPERTY TAX; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 71**

**BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO TECHNICAL CORRECTIONS TO THE SALES TAX ACT; AMENDING SECTION 63-3620C, IDAHO CODE, TO DELETE THE REQUIREMENT THAT RETAILERS DISCLOSE TAXPAYER IDENTIFICATION NUMBERS ON CERTAIN STATEMENTS; AMENDING SECTION 63-3622R, IDAHO CODE, TO CLARIFY THE EXEMPTION FOR GLIDER KIT VEHICLES; AND AMENDING SECTION 63-3622JJ, IDAHO CODE, TO DELETE RESEARCH FROM THE EXCLUSION FROM THE LOGGING EXEMPTION.

**HOUSE BILL NO. 72**

**BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO EDUCATION; AMENDING SECTION 33-512, IDAHO CODE, TO INCREASE THE MINIMUM NUMBER OF INSTRUCTIONAL HOURS FOR GRADES FOUR THROUGH TWELVE AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 73**

**BY JUDICIARY, RULES, AND ADMINISTRATION  
COMMITTEE  
AN ACT**

RELATING TO FINANCIAL EXPLOITATION; AMENDING SECTION 18-1505, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE, TO PROHIBIT THE EXPLOITATION OF PERSONS FIFTY YEARS OF AGE OR OLDER, TO ALLOW FOR VICTIM RESTITUTION AND PRIVATE CAUSES OF ACTION, TO REVISE A DEFINITION AND TO LIMIT APPLICATION IN CERTAIN CIRCUMSTANCES.

**HOUSE BILL NO. 74**  
**BY REVENUE AND TAXATION COMMITTEE**  
 AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING SECTION 63-3622GG, IDAHO CODE, TO PROVIDE A SALES AND USE TAX EXEMPTION FOR THE SALE, LEASE, PURCHASE OR USE OF AIRCRAFT BY A 501(c)(3) ENTITY LOCATED IN IDAHO IF THE AIRCRAFT IS TO BE PRIMARILY UTILIZED IN A FOREIGN COUNTRY FOR A CHARITABLE, NONPROFIT USE.

**HOUSE BILL NO. 75**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO TELEPHONE CALLS; AMENDING CHAPTER 10, TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 48-1003C, IDAHO CODE, TO PROVIDE THAT A CALLER SHALL NOT USE OR CONNECT TO A TELEPHONE LINE AN AUTOMATIC DIALING-ANNOUNCING DEVICE, TO PROVIDE EXCEPTIONS, TO PROVIDE DUTIES WHEN A PERSON INTENDS TO UTILIZE AN AUTOMATIC DIALING-ANNOUNCING DEVICE TO SEND A MESSAGE AND TO DEFINE TERMS.

**H 66, H 67, H 68, H 69, H 70, H 71, H 72, H 73, H 74,** and **H 75** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1034** and **S 1035**, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**H 7**, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

**H 35, H 36, H 37, H 38,** and **H 42**, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

**HP 1** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Chadderdon to open debate.

The questions being, "Shall **HP 1** be adopted?"

Whereupon the Speaker declared **HP 1** adopted by voice vote and ordered the resolution filed in the office of the Chief Clerk.

Mr. Moyle asked unanimous consent that **H 30** and **H 32**

retain their places on the Third Reading Calendar. There being no objection, it was so ordered.

**H 19** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. LeFavour to open debate.

The question being, "Shall **H 19** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bell, Bilbao, Black, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Barrett, Block, Bedke, Eskridge, Schaefer. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 19** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 20** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Boe to open debate.

The question being, "Shall **H 20** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Barrett, Block, Eskridge, Schaefer. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 20** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 21** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ruchti to open debate.

The question being, "Shall **H 21** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- Total -- 0.

Absent and excused -- Barrett, Block, Eskridge, Schaefer. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 21** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 11:30 a.m., Wednesday, January 31, 2007. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:09 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

PAMM JUKER, Chief Clerk